

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

AVAYA INC.,

Plaintiff,

-v-

SNMP RESEARCH INTERNATIONAL,
INC.,

Defendant.

C.A. No. 12-191-LPS

REDACTED
PUBLIC VERSION

**DECLARATION OF TOI FREDERICK IN SUPPORT OF AVAYA INC.'S
RESPONSE BRIEFS IN OPPOSITION TO DEFENDANT'S MOTIONS (I) TO DISMISS
THE COMPLAINT OR, IN THE ALTERNATIVE, TRANSFER TO THE EASTERN
DISTRICT OF TENNESSEE AND (II) TO DISMISS OR STRIKE THE COMPLAINT**

I, Toi Frederick, pursuant to 28 U.S.C. §1746, declare as follows:

1. I am a managing associate with the law firm of Orrick, Herrington & Sutcliffe LLP. I have personal knowledge of, or have been advised by knowledgeable persons regarding, all of the matters to which I attest herein and, if called as a witness, could and would testify competently to such facts under oath.

2. Attached to this declaration as Exhibit A is a true and correct copy of the Accession Agreement dated February 19, 2010, between Defendant and Nortel Networks, as extended by the parties via seven subsequent amendments through April 30, 2011 (the “Accession Agreement”).

3. Attached to this declaration as Exhibit B is a true and correct copy of Defendant's November 1, 2011 letter to Avaya, **REDACTED**

REDACTED

4. Attached to this declaration as Exhibit C is a true and correct copy of Defendant's February 1, 2012 letter **REDACTED**

5. I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 12, 2012



Toi Frederick

EXHIBIT A

EXHIBIT A REDACTED

EXHIBIT B

EXHIBIT B REDACTED

EXHIBIT C

EXHIBIT C REDACTED

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**
CERTIFICATE OF SERVICE

I hereby certify that on April 12, 2012, I caused the foregoing document to be electronically filed with the Clerk of Court using CM/ECF, which will send notification of such filing to counsel of record, and served copies by electronic mail on the following counsel:

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